

REMARKS

Claims 9-11, 14 and 18 directed to a non-elected invention have been canceled without prejudice to filing a divisional application. Claims 1-3, 8, 15-17 and 20-26 have been canceled without prejudice to filing a continuation application.

Claims 4 and 5 have been amended to place them in independent form incorporating any limitations of the base claim and any intervening claims. Claims 4 and 5 have further been amended to more correctly refer to the amino acid or nucleic acid sequences of the specified SEQ ID Nos: rather than the SEQ ID Nos: themselves. Claims 6 and 7 have been amended to depend from claim 4, which had been indicated to be allowable. New claims 27-34 have been added to claim the embodiments previously set forth in claim 8 and to include the embodiments of claims 6-8 with respect to the DNA of claim 5. It is believed that none of these amendments constitute new matter, and their entry is requested.

The Examiner rejected claims 1-3, 6-8, 12, 15-17 and 20-26 for lack of enablement under 35 USC §112, first paragraph. Although Applicants believe that this rejection is in error, claims 1-3, 8, 12, 15-17 and 20-26 have been canceled and claims 6 and 7 have been amended to change their dependency in order to expedite prosecution. Accordingly, withdrawal of this rejection is requested.

The Examiner rejected claims 1-3, 6-8, 12, 15-17 and 20-26 for lack of written description under 35 USC §112, first paragraph. Although Applicants believe that this rejection is in error, claims 1-3, 8, 12, 15-17 and 20-26 have been canceled and claims 6 and 7 have been amended to change their dependency in order to expedite prosecution. Accordingly, withdrawal of this rejection is requested.

The Examiner rejected claims 1-3, 6-8 and 15-17 under 35 USC §112, first paragraph, for being new matter. Although Applicants believe that this rejection is in error, in part, claims 1-3, 8 and 15-17 have been canceled and claims 6 and 7 have been amended to change their dependency in order to expedite prosecution. Accordingly, withdrawal of this rejection is requested.

The Examiner rejected claims 1-3, 6, 15, 16 and 20-26 under 35 USC §102(e) as being anticipated by Cabib et al. (US 5,936,731). Although Applicants believe that this rejection is in

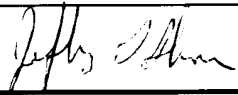
error, claims 1-3, 16 and 20-26 have been canceled and claim 6 has been amended to change its dependency in order to expedite prosecution. Accordingly, withdrawal of this rejection is requested.

The Examiner rejected claims 1-3, 6, 15, 16 and 20-26 under 35 USC §103(a) as being obvious over Cabib et al. (US 5,936,731) in view of Kausch et al. (US 5,508,164). Although Applicants believe that this rejection is in error, claims 1-3, 15, 16 and 20-26 have been canceled and claim 6 has been amended to change its dependency in order to expedite the prosecution of this application. Accordingly, withdrawal of this rejection is requested.

The Examiner rejected claim 12 under 35 USC §102(b) as being anticipated by Evans et al. (US 5,696,233). Although Applicants believe that this rejection is in error, claim 12 has been canceled in order to expedite prosecution. Accordingly, withdrawal of this rejection is requested.

Applicants thank the Examiner for indicating that claims 4 and 5 would be allowable if written in independent form. Claims 4 and 5 have been amended in accordance with the Examiner's suggestion and thus are believed to be in condition for allowance. Claims 6, 7 and 27-34 depend from claims 4 and 5 and are thus also believed to be in condition for allowance.

In view of the above amendment and remarks, it is believed that the claims satisfy the requirements of the patent statutes and are patentable over the cited prior art. Reconsideration of the instant application and early notice of allowance are requested. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

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Attachments: Marked-Up Copies of Amendments

Marked-up Copy of Amended Claims

4 (three times amended). [The] An isolated DNA [according to claim 1] encoding a human estrogen receptor protein having an N-terminal domain, a DNA-binding domain and a ligand-binding domain, wherein said [DNA encodes a] protein [comprising] comprises an amino acid sequence selected from the group consisting of the amino acid sequence set forth in SEQ ID NO:5, the amino acid sequence set forth in SEQ ID NO:6, the amino acid sequence set forth in SEQ ID NO:21 and the amino acid sequence set forth in SEQ ID NO:25.

5 (three times amended). [The] An isolated DNA [according to claim 1] encoding a human estrogen receptor protein having an N-terminal domain, a DNA-binding domain and a ligand-binding domain, wherein said DNA comprises a nucleic acid sequence selected from the group consisting of the nucleotide sequence set forth in SEQ ID NO:1, the nucleotide sequence set forth in SEQ ID NO:2, the nucleotide sequence set forth in SEQ ID NO:20 and the nucleotide sequence set forth in SEQ ID NO:24.

6 (twice amended). A recombinant expression vector comprising the DNA according to claim [1] 4.

7 (twice amended). A cell transfected with the DNA according to claim [1] 4.